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Security Council

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Provisional

7173rd meeting
Tuesday, 13 May 2014, 10 a.m.
New York

President:	Mr. Oh Joon	(Republic of Korea)
Members:	Argentina	Mrs. Perceval
	Australia	Ms. King
	Chad	Mr. Mangaral
	Chile	Mr. Gálvez
	China	Mr. Cai Weiming
	France	Mr. Araud
	Jordan	Mr. Omaish
	Lithuania	Mrs. Kazragienė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Russian Federation	Mr. Zagaynov
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mr. Simonoff

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Prosecutor Bensouda.

Ms. Bensouda: It is just over three years since my Office started interacting with the Security Council on Libya following the Council's adoption of resolution 1970 (2011), referring the situation in Libya to the International Criminal Court (ICC). The opportunity to once again engage with the Council as I present the seventh report regarding developments in Libya is welcome, as always.

In March this year, Libya marked the third anniversary of its revolution. We continue to witness the strong determination of the Libyan people to consolidate their freedom and build a modern democratic State that upholds the rule of law and respects human rights. Notwithstanding those aspirations, Libya continues to face serious security challenges and a deep political crisis that undermine its ability to effect much-needed meaningful judicial and other changes. The steady decline in the security situation has hampered my Office's investigative activities and hindered possibilities for effective interaction with the Government of Libya.

Strengthening Libya's ability to assume its security responsibilities remains key to the success of our joint endeavours to bring lasting peace to Libya. Increased, well-coordinated international efforts to provide support to Libya therefore remain essential. Libya should heed the Council's call on all parties to support the democratic transition in Libya, including agreement on its immediate next steps, and to engage in political dialogue and refrain from violence and actions that challenge the stability of the State.

Reports of torture and mistreatment, as well as deaths by torture in illegal detention centres, are worrying. While the number of detainees requiring transfer to proper Government-controlled detention facilities has reportedly dropped from 8,000 to 7,000, the process of transfer of prisoners to State-controlled detention centres has to be speeded up. Illegal detentions and torture should have no place in modern Libya. Those alleged to be responsible for these crimes must be investigated, prosecuted and face the full force of the law. My Office stands ready to work with the Libyan Government to bring this scourge to an end.

The time has also come for the Libyan Government to resolve the Tawergha issue. Steps taken by the Government of Libya, together with the United Nations Support Mission in Libya, to plan a national conference on internal displacement and to organize meetings with the exiled Tawergha Local Council, as well as between the Tawergha Local Council and the Misrata Local Council are very much welcome. The national conference has yet to take place, however, and these efforts have yet to bear fruit. They must be intensified.

It is important for the Government of Libya to bring all relevant stakeholders together to address alleged crimes in Tawergha. The participation of key partners from the international community in these discussions will be a clear message to the Tawerghans and Misratans that the situation of Tawergha is of concern to the international community. This will also bring to bear the resources of the international community to help resolve the situation of Tawergha once and for all.

There is no doubt that Libya needs help to succeed in its aspirations to transition to democracy and the rule of law. Justice is key to lasting peace, and justice should therefore be at the forefront of international efforts to help Libya. The key partners of Libya should seriously consider forming a contact group on justice issues through which material and legal support could be provided regularly to enhance Libya's efforts to bring justice to the victims. The Government of Libya has repeatedly expressed its commitment to meeting its international legal obligations and has sought help in order to do so. That help should be forthcoming as soon as possible.

Individuals alleged to have committed serious crimes in Libya must be brought to justice either in Libya or at the International Criminal Court; this is not negotiable. It is regrettable that progress has been slow in the case of Mr. Abdullah Al-Senussi since the

Chamber's ruling that the case was inadmissible before the ICC and that he should be tried in Libya. We urge the Government of Libya to ensure that the case against him is proceeded with without undue delay and with full respect for his due process rights.

It is even more regrettable and indeed a source of great concern that, despite the Chamber's order for the Government of Libya to surrender Mr. Saif Al-Islam Al-Qadhafi to the custody of the ICC, to date he has not been surrendered to the Court. While the admissibility decision is currently under appeal, Libya still has a positive legal obligation to fully cooperate with the Court and to comply with the Chamber's orders, as the admissibility decision and the order to surrender Mr. Saif Al-Islam Al-Qadhafi are not suspended by the appeal process, as confirmed by the Appeals Chamber in its July 2013 decision. To be absolutely clear, the Government of Libya should immediately surrender Saif Al-Islam Al-Qadhafi to the Court. National judicial proceedings can never be an excuse for failure to comply with the Chamber's order. It is incumbent upon the Government of Libya to fully engage with the judges and to provide assurances that its domestic proceedings against Mr Al-Qadhafi will not impede its obligation to surrender him.

Following the conclusion of the memorandum of understanding on burden-sharing with the Government of Libya last year, on 29 January my Office held fruitful and constructive discussions with Libyan Prosecutor General Abdel Qader Radwan on practical aspects of the implementation of this memorandum of understanding and strategies for further investigations, prosecutions and possible arrests. These discussions will be continued during the next meeting with the Attorney General's investigators, scheduled for 15 May.

The support of the Council and of all States is critical to these joint endeavours to bring to justice, either in Libya or at the ICC, those responsible for serious mass crimes. In particular, and as I have said before, such support is crucial to the colossal task of collecting evidence to untangle the modus operandi of the networks responsible for committing crimes. Among other things, we will require telephone intercepts and sustained follow-up on transfers of funds to establish the whereabouts and movements of persons under investigation. This is all information that we can access only through the assistance of States.

Above all, we hope we can count on the cooperation of States in facilitating the smooth arrest and surrender of those against whom warrants will be issued. This is key to sending a clear message to would-be Libyan perpetrators, and indeed all other would-be perpetrators, that the international community is watching and will no longer allow impunity to reign unchecked. I again stress that the memorandum of understanding is intended to foster cooperation and reinforce both parties' obligations to investigate and prosecute crimes, and that it does not apply to or affect the ongoing judicial proceedings in either the Saif Al-Islam Al-Qadhafi or the Al-Senussi cases.

Let me conclude by encouraging the Government of Libya to be fully transparent about its justice activities. It is my Office's sincere hope that the proposal for establishing a contact group will be followed up as soon as possible. This will send a clear message to the Government of Libya that its key partners intend to follow through on their pledges to support justice initiatives and to support the evolving relationship between the ICC and the Government of Libya.

The President: I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to the members of the Security Council.

Mr. Mangaral (Chad) (*spoke in French*): I take this opportunity to warmly welcome Ms. Fatou Bensouda among us and to thank her for her briefing on the International Criminal Court (ICC) in Libya.

I wish to encourage the member and non-member States of the ICC to cooperate with the Court in the cases involving crimes committed in Libya in 2011. We also thank and encourage the Libyan Government, and more specifically the Prosecutor General of Libya, for their cooperation with th ICC in the framework of the memorandum of understanding signed between the parties on the conduct of investigations and prosecutions.

The report of the ICC Prosecutor notes the commission of serious crimes that have gone unpunished and whose perpetrators have yet to be prosecuted. More than 7,000 individuals have been detained without due process, and the Tawergha community, which seems to have been forcibly displaced, has not yet been able to return home. In those circumstances, the involvement of international and domestic justice is an absolute necessity. We also encourage the ICC to continue its investigations within and outside Libya, both with regard to the Government and militias alike. With

regard to current cases, we take note of the *Abdullah Al-Senussi* case and hope that the ICC will pursue its efforts in a fully transparent and objective manner.

As in all wars, the conflict in Libya has caused thousands of deaths and entailed very serious violations of international humanitarian law and humans rights law. Those responsible for the crimes must answer for their actions. As we know, however, the political and social situation in Libya remains precarious and quite volatile. The ICC and the Government of Libya must bear in mind the need for justice and security. The Council will have to provide the necessary assurances and support for the Libyan Government in resolving the issue surrounding Saif Al-Islam. His country's courts should provide a fair trial, if the conditions allow. Otherwise, the ICC should provide such a trial.

The international community must help Libya to put in place the rule of law, which is a prerequisite for the return of peace and stability.

Mr. Omaish (Jordan) (*spoke in Arabic*): I would like to thank Ms. Fatou Bensouda for her briefing to us this morning and for her presentation to the Security Council of the Prosecutor's seventh report. Jordan underscores the role of the International Criminal Court (ICC) in combating impunity. We reiterate our ongoing support for the efforts of the ICC in that regard.

Successive Libyan Governments since 2011 have pledged to continue to enshrine the principles of the rule of law and accountability for the crimes committed during the conflict. We accept that there continue to be challenges, obstacles and several security problems facing Libya, which could undermine the progress made thus far. We commend the efforts of the Government to cooperate with the Office of the Prosecutor and with the ICC. We welcome references in the seventh report concerning the imminent implementation of the memorandum of understanding signed last year between the Libyan Government and the Office of the Prosecutor with regard to burden-sharing in carrying out additional investigations and trials of suspects outside Libyan territory. We also call on the Government to expedite its conclusion of an agreement with the ICC Registrar with regard to privilages and immunities, so as to facilitate the work of ICC staff.

We are concerned about the slow progress in dealing with the issue of detainees in Libya. We call on the Government to work closely with the United Nations to put an end to the crisis and release detainees against whom there is no evidence for prosecution, as well as to refer to national courts cases of persons against whom there is evidence for trials in line with due process and established legal rules. That will serve to generate confidence in the Libyan judicial system.

With regard to the investigations carried out by the Office of the Prosecutor into the approximately 30,000 persons displaced from Tawergha, we support the conclusion of the Prosecutor's Office that this is a case of forced displacement. In that regard, we commend the efforts of the Libyan Government to hold consultations and meetings with the inhabitants of Tawergha. We hope that the Government will succeed in resolving this situation and ensuring the return of the displaced to their homes.

In conclusion, my delegation would like to reiterate its thanks to Ms. Bensouda for the information she has provided us in the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*.

Mrs. Perceval (Argentina) (*spoke in Spanish*): Argentina wishes to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for introducing her seventh report to the Council as required by resolution 1970 (2011). We also welcome the presence among us of the Permanent Representative of Libya.

The referral of situations to the International Criminal Court attests to the Council's recognition of the Court's role with regard to justice and the fight against impunity for crimes of international concern, as well as of the contribution of the Rome Statute and the International Criminal Court to that end.

Libya faces many challenges in building the institutions of the rule of law. However, the constructive dialogue between the Libyan authorities and the Office of the Prosecutor continues to evolve. Last year, we were informed that the limited contact with the Libyan Government had been overcome, that the Office of the Prosecutor had renewed its contacts with the new Administration following the 2012 elections and that the Prosecutor and the Attorney General of Libya had signed a memorandum of understanding on burden-sharing with regard to future investigations and proceedings, which did not affect the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. Today we have been informed that the Office of the Prosecutor has already begun discussions with Libya in connection with priority suspects and that it will imminently meet

with the Libyan authorities to discuss further details. We encourage the Libyan Government to continue to cooperate with the Court so that it, in turn, can support effective accountability for the crimes committed in Libya.

With regard to the cases of *Saif Al- Islam Al-Qadhafi* and *Abdullah Al-Senussi*, which the Office of the Prosecutor had suspended owing to the admissibility challenge raised by Libya, Argentina has always emphasized that this is about a judicial evaluation that, pursuant to article 17, sub-paragraphs 1 (a) and (c), is solely up to the Chambers of the Court. Argentina hopes that Libya will initiate proceedings against Abdullah Al-Senoussi. With regard to the admissibility challenge pertaining to Saif Al-Islam Al-Qadhafi, the Appeals Chamber has rejected the Libyan request for suspension while the appeal proceeds with regard to the Court's ruling on the admissibility of the claim regarding the request for handing over the defendant. As the Prosecutor has done in her report, Argentina reminds Libya that it has an obligation to surrender Saif Al-Islam Al-Qadhafi to the court. We are aware that there is a trial in Libya against Al-Qadhafi, but Libya must ensure that this trial does not interfere its obligations to the International Criminal Court.

Argentina acknowledges the concern of the Prosecutor at the continuation of the situation described in the report entitled "Torture and death in detention in Libya," published in October 2013 by the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights, to which the Security Council referred in resolution 2144 (2014). Although the Prosecutor points to a decrease in the number of detainees being held without due process, there are still approximately 7,000 detainees who have not been transferred to State custody. The Libyan Government recognizes the problem; however, Argentina urges the central Government and local authorities, in particular in Misrata, to guarantee detainees due process under the transitional justice law and to release all detainees who have not been found guilty or who have served a sentence.

We would also like to reiterate the appeal to Libya to effectively enforce its law criminalizing torture, discrimination and forced disappearances, since we are concerned by the Prosecutor's report that so far it seems that not one State official or militia member has been brought to justice for those crimes. In addition, without prejudicing the assessment of the situation of the civilians displaced in Tawergha as a crime under the Rome Statute, it is essential that a strategy be implemented to ensure the return of the 30,000 displaced people to their homes.

This is another report from the Prosecutor that highlights Libya's willingness to cooperate with the Court. Like the Prosecutor, Argentina fully understands the extent of the challenges facing the Libyan authorities, and commends the Office of the Prosecutor for its willingness to continue to support the Government in its efforts to deal with as many of the cases under its jurisdiction as possible. We also believe, however, that Libya's need for democratic, legitimate legal institutions in the area of the rule of law clearly exceeds the competence of the International Criminal Court. The cooperation of the international community is essential if we are to achieve a secure Libya with reliable, sustainable institutions and respect for its citizens' human rights.

There are some additional aspects that my delegation wishes to emphasize, as we do every time the Prosecutor presents a report to the Council. The referrals that the Council makes — and the situation in Libya is one of them — include an obligation to follow up responsibly on those referrals. Argentina believes that the Council cannot merely take note of these reports and that it is therefore essential that it put into practice the commitment expressed in its presidential statement S/PRST/2013/2, either through the Working Group on International Tribunals or a specific working group dedicated to the ICC.

We would also like to reiterate that Argentina considers the clause that seeks to exempt nationals of States that are not party to the Rome Statute from the Court's jurisdiction to be unacceptable. An exception for nationals of States that are not party to the Statute constitutes an attempt to alter the Statute's provisions and could affect the credibility of the Court and of the Security Council itself.

Another aspect that Argentina finds inexplicable is that the Council has determined that the costs of referrals will be borne not by the United Nations but by States parties to the Statute. Besides the fact that this violates the Rome Statute and the relationship agreement with the Court, the fact of the matter is that pressure on the resources available to the Court has grown with the increasing numbers of its cases. Because of this, making referrals without considering how they are financed could well jeopardize the Prosecution's

activities and the Court's long-term viability. The fight against impunity is a goal not just of States parties to the Rome Statute but of the United Nations, and the two referrals made so far are proof of that. However, that goal must also be backed by a commitment to providing the Court with the resources it needs to fulfil its functions. If the Organization could provide those resources for the two Ad Hoc Tribunals, we do not understand what is preventing it from the doing the same for the ICC.

As we do every time we discuss the International Criminal Court, my delegation would like to emphasize its belief that the Court represents a remarkable contribution to achieving accountability for crimes of international concern, and that it is as essential today as when it was founded. I commend the Prosecutor for her efforts, dedication and courage in our common cause, the fight against impunity, and I once again urge the Government and people of Libya to cooperate with the International Criminal Court.

Mr. Simonoff (United States of America): I would like to begin by thanking Prosecutor Bensouda of the International Criminal Court (ICC) for her informative briefing on Libya, and especially for her contributions to ending impunity for the most serious crimes in Libya.

Three years ago, with the adoption of resolution 1970 (2011), the Security Council called for accountability in Libya. Today, we see real steps towards that at both the international and domestic levels. We welcome reports of collaboration between Libya and the Office of the Prosecutor in connection with ongoing investigations, and we note that they have signed a memorandum of understanding that we hope will facilitate collaboration going forward. Cooperation is key. We know, of course, that the admissibility proceedings in the cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi are ongoing. Those proceedings have presented novel and important questions for both the Court and the Libyan Government. As the proceedings continue in the Libya situation, we continue to urge Libya to cooperate with the ICC and to take steps to ensure that the perpetrators of the worst crimes are held to account.

In addition to the Court's proceedings, we know that Libya still faces many challenges in its efforts to support justice and accountability. The Government can only benefit from continuing to work with the international community to bolster its own domestic capacity in the justice system and to ensure that both high-profile figures from the former regime and the thousands of conflict-related detainees are held only in accordance with the applicable international obligations. All detainees should be promptly transferred to Government-controlled facilities and must be treated humanely. Within the context of a transitional justice strategy, the Libyan authorities may have to prioritize prosecutions focusing on those who bear the greatest responsibility for the crimes.

Beyond prosecutions, we encourage Libya to explore other accountability measures such as those envisioned in its transitional justice law. Additionally, we underscore how important it is that Libya conduct domestic investigations and prosecutions in a manner consistent with its international obligations. Prosecutions that respect the rights of defendants, including those who were members of the former regime, and that provide them with proper guarantees of a fair trial, will also contribute to strengthening public confidence in the judiciary and the rule of law in Libya.

As we look at the bigger picture, the United States remains very concerned about the rising instability in Libya. It threatens to undermine the revolution for which Libyans fought so dearly, and to jeopardize Libya's transition to a democratic and prosperous State in which all Libyans can participate. Together we must be clear about what is at risk. The United States will continue to support Libya in its efforts to guarantee security and protect all its citizens and democratic institutions. We also applaud the seating of Libya's Constitution Drafting Assembly. We remain committed to supporting the Libyan Government and institutions through this difficult phase.

Finally, we look forward to the ongoing work and partnership with the United Nations, Libya and Libya's international partners, and to exploring appropriate ways whereby we can advance critical initiatives for a peaceful democratic transition and vital national reconciliation efforts, including the assistance pledged in Rome at this year's Ministerial Conference on International Support to Libya.

In conclusion, I would like to reiterate our thanks to Prosecutor Bensouda and her Office for the work they have done to advance the cause of justice for the people of Libya.

Ms. King (Australia): I would like to thank the Prosecutor of the International Criminal Court (ICC) for her informative and valuable briefing to the Council

on the work of the Office of the Prosecutor in relation to the situation in Libya.

Australia remains concerned about the volatile political and security situation in Libya. We recognize that delivering effective justice in Libya is dependent on building stability and security in the country, and the recent attacks on Libya's parliament and on political leaders and security personnel are disturbing reminders of the challenges the country faces. National leadership, of course, is critical to addressing the security situation and keeping the political transition on track. We urge the Libyan authorities to continue to support the ongoing constitutional drafting process and rule-of-law reforms, and to continue their close cooperation with the United Nations Support Mission in Libya. Security sector reform is a crucial part of that and must be a priority. As long as militias rather than the State retain physical custody of detainees, as long as witnesses are too scared to testify and as long as judges are threatened, it will be difficult for justice to be delivered in a manner consistent with international standards.

We are concerned about the adoption of amnesty laws that provide revolutionaries with immunity from prosecution. We urge Libya to respect the principles of the equality before the law and to ensure that those believed to be most responsible for the commission of serious international crimes are held to account, regardless of what side they fought on. The Prosecutor has again drawn our attention to the thousands of conflict-related detainees who continue to be held without due process, some of whom have reportedly been subject to torture and other ill treatment. We recognize the progress made, but we recall resolution 2144 (2014) and again urge Libya to ensure that the detainees in question are transferred to effective State control as swiftly as possible, that the basis of their detention is judicially reviewed and that those responsible for arbitrary detention or mistreatment are held to account.

We acknowledge that the challenges facing Libya are considerable. Its judicial system was all but destroyed under the Al-Qadhafi regime. But it is vital that Libya ensure that the rights of all those defendants being tried for serious crimes are upheld in full.

Turning more specifically to the activities of the International Criminal Court, we welcome the fact that Libya has pursued its challenge to the ICC jurisdiction in the *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi* cases in a manner that is consistent with the Rome Statute. We are conscious that Libya remains under a pending obligation to surrender Mr. Al-Qadhafi to the ICC, notwithstanding its appeal of the Pre-Trial Chamber's decision rejecting its admissibility challenge. We also note that the admissibility decision in the *Al-Senussi* case is under appeal. It is essential that Libya do nothing to frustrate ongoing ICC processes, pending the decisions of the Appeals Chamber. We underline the importance of Libya meeting its obligations to cooperate with the Court, including by surrendering defendants in accordance with the ICC decisions.

Australia welcomes the Prosecutor's advice on steps taken to implement the memorandum of understanding concluded between the Office of the Prosecutor and the Libyan Government on burden-sharing in relation to investigations, prosecutions and an arrest strategy. We hope that continued engagement between the ICC and the Libyan authorities will ensure that their respective efforts can have a multiplying effect and serve as a model for a collaborative partnership between the ICC and States that have the will, but perhaps lack the capacity, to hold all key perpetrators to account. We furthermore hope that Libya's insights into the Rome Statute system will encourage it to accede to the Statute.

Noting the Prosecutor's advice that several persons of interest have fled Libya, Australia calls on other Member States, particularly Libya's neighbours, to cooperate with the ICC to ensure that those most responsible for the most serious international crimes committed in Libya are brought to justice.

It is equally essential that the Council continue to offer its support to the ICC and to the Libyan authorities as they take steps to end the impunity that for too long prevailed in the country. The Council must take action in support of the Court when necessary to help Libya achieve justice and lasting stability.

Mr. Laro (Nigeria): I would like to thank the Prosecutor of the International Criminal Court (ICC) for her introduction of the seventh report of her Office to the Security Council pursuant to resolution 1970 (2011). My comments will address the four main issues in the report.

On matters pertaining to cooperation, we note that the Office of the Prosecutor continues to receive cooperation on the Libyan situation from State parties as well as non-State parties with a view to strengthening

the rule of law in Libya. We welcome the engagement of the Libyan Prosecutor General with the ICC Prosecutor and Deputy Prosecutor to discuss the implementation of the memorandum of understanding of 2013 aimed at fostering cooperation in the investigation of grave crimes allegedly committed in Libya. We believe that the support of the Libyan authorities is crucial in facilitating the work of the Prosecutor.

Concerning the case against *Saif Al-Islam Al-Qadhafi*, while we understand the wish of the Libyan authorities to prosecute him within the national justice system, we see the need for Libya's actions in that matter to be consistent with the decisions of the ICC.

With regard to ongoing investigations, we urge the Government of Libya to expedite action on its negotiations with the ICC Registry on matters pertaining to the recognition of the privileges and immunities of ICC staff in order to facilitate the work of the ICC inside Libya.

On the crimes allegedly committed by the different parties in Libya since 15 February 2011, we note with concern that thousands of conflict-related detainees have not yet been transferred to State authority and are being held in violation of their basic human rights. We also note that the Government of Libya missed its own deadline of 2 March 2014 for charging or releasing all detainees. We stress that respecting the human rights of detainees is in itself an important aspect of the dispensation of justice. We therefore endorse the call by the Office of the Prosecutor for the Government of Libya and concerned local authorities, especially in Misrata, to process all detainees as expeditiously as possible.

Mr. Araud (France) (*spoke in French*): I would like to thank the Prosecutor for her briefing. I would also like to reaffirm our full support to the International Criminal Court.

There are times in the history of international relations in which unity may be achieved to prevent or put an end to those atrocities, addressed in the terms of the Rome Statute, that offend the conscience of humankind. The announcement in February 2011, by the Libyan regime itself, that it was preparing to commit a bloodbath sparked such unity and the adoption of resolution 1970 (2011), which was a moment of unity in the Security Council. We have known other such moments with the adoption of resolutions on the Central African Republic, and the same issue arises today with regard to Syria.

The United Nations and regional organizations together condemned the brutal abuses committed by Libyan leaders. The International Criminal Court has been at the heart of the process of rounding up criminals, whatever their rank or affiliation.

When we take stock of the implementation of resolution 1970 (2011), there is a question that by its very nature remains unanswered: How many lives were saved? Without doubt, there were thousands, and history must give credit to the unanimity of the Security Council, the United Nations and the International Criminal Court.

Have we solved everything so far? Certainly not. Libya is going through a transition with its difficulties and uncertainties following 40 years of a mad dictatorship. Violent acts continue, including against diplomatic missions. But despite the catastrophic legacy of Al-Qadhafi-ism, Libyans demonstrate determination. They must continue to unite around a common political project to complete the transition to democracy. We wouldl ike to see a Government of national unity formed quickly by the elected Prime Minister, Mr. Ahmed Meitig. The Council has mobilized to assist Libya, and we must continue that mobilization.

The cooperation of Libya with the International Criminal Court is crucial to end the era of impunity in that country, which in 2011 emerged from 42 years of dictatorship. Despite its difficulties, Libya itself has requested to try Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, in accordance with the complementarity principle of the Rome Statute. The Libyan authorities have thus expressed their willingness to assume responsibility. Tripoli's two inadmissibility challenges are at the appeal stage, and I will therefore not comment on them.

Whatever the decision of the Court may be, Libya, pursuant to resolution 1970 (2011), must comply with the judges' decisions. Libya's compliance with its international obligations will be a further demonstration of its commitment to the rule of law. There is no competition between national justice and the International Criminal Court, either in Libya or elsewhere. Libya has clear obligations under resolution 1970 (2011). It has committed to respecting them, and it must do so. For other procedures, as Ms. Bensouda recalled, the signing of the burden-sharing memorandum

of understanding between the Court and the Libyan authorities represents an innovative and positive approach. The memorandum must be implemented.

Beyond those symbolic cases, other challenges exist. The Prosecutor mentioned allegations of crimes committed by supporters of Al-Qadhafi who may today reside outside of Libyan territory and pose a threat to the new Libyan authorities. She can be assured of our support in that regard.

Light must also be shed on allegations of crimes such as those reportedly committed in Misrata, Tawergha and in Bani Walid. We regret that the return of communities in Tawergha to their villages has been delayed.

We also express our deep concern about the practice of torture and deaths in the illegal detention centres controlled by armed brigades. About 7,000 cases remain, including children. Those practices must end. Like the Prosecutor, we encourage the Libyan authorities to implement the law adopted in April 2013 criminalizing torture, forced disappearance and discrimination. The armed groups must be reminded that the fight against impunity applies to all.

The task today is to follow up that approach, including beyond the case of Libya. The continuing process also calls for Libya's full cooperation with the Court, as well as the increased responsibility on the part of the Secretariat and the United Nations Support Mission in Libya in terms of the activities of the Court's bodies, so as to ensure that this Mission effectively supports the fight against impunity.

We must also again restore unity in the Council so as to save human lives today in Syria, far beyond the political wrangling and in the name of humanity's conscience, which animated the Council on 26 February 2011 (see S/PV.6491).

Mr. Cai Weiming (China) (*spoke in Chinese*): I thank Ms. Bensouda for her briefing.

At present, the National Assembly and interim Government are committed to Libya's political transition and economic reconstruction, where progress has been registered. The recent successful election put in place the new Prime Minister of the interim Government. At the same time, the political situation remains unstable, conomic recovery is sluggish, the security situation remains fragile and violence continues unabated. On the whole, the situation is increasingly worrisome.

China respects the will and choice of the Libyan people. We hope that all of the Libyan parties will bear in mind the interests of the country and its people in resolving their differences through political dialogue and address the various challenges of the transition period, in order to achieve long-term security and stability. China welcomes the interim Government's efforts to achieve justice.

On the question of international judicial organs, China's position remains unchanged. We are of the view that the international judicial organs should fully respect the judicial sovereignty of the countries concerned and abide by the norms of international relations. In exercising jurisdiction, they must comply with the principle of complementarity and cannot replace the role played by national judicial systems. It is China's hope that the international judicial organs will act in accordance with the relevant Council resolutions and facilitate Libya's reconstruction and political transition.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): I would like to start by thanking you, Mr. President, for having convened today's meeting and to express my gratitude to the Prosecutor for her participation. My delegation has familiarized itself with the seventh report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the situation in Libya. We would like to take this opportunity to draw the Council's attention to the benefit of the early circulation of future reports, so as to ensure a more thorough analysis of the contents before consideration by the Council.

In our view, the overall situation in Libya continues to deteriorate rapidly. Moreover, that comment applies not only to the judicial system. Essentially, the Government does not control the situation throughout the majority of the country, where former revolutionary brigades and anarchy reign. There are increasing reports of armed clashes among groups and attacks on representatives of the armed forces and their infrastructure, political activists, foreigners and diplomats. The overall situation in terms of criminal activity is deteriorating. The country has morphed into a dangerous source for the proliferation of arms, which are falling into the hands of terrorists and extremists.

The most recent report of the Secretary-General (S/2014/131) expresses his serious concerns regarding the safety of judicial personnel. It also notes the continuing practice of attacks, death threats and other

forms of intimidation against judges and prosecutors and contains information regarding their killings. In resolution 2144 (2014) the Council expressed its serious concern regarding the lack of an appropriate judicial process in conflict-related cases and reports of human rights violations in detention centres, including torture and sexual and gender-based violence.

We back efforts aimed at holding to account those individuals involved in committing serious crimes in Libya. The ability of the ICC to carry out effective and impartial investigations of country situations referred to it is highly important in terms of strengthening its standing and the trust it inspires. Despite that, it is unfortunate that there has been no major progress in that area.

We have taken note of the information regarding the admissibility of the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. Clearly, that issue must be resolved by the Court's Chambers as it falls within their jurisdiction.

At the same time, while mindful of the assessment of Libya's political situation I have just referred to, we consider unclear the logic of the conclusion that Libya is capable of conducting proceedings in the case of *Abdullah Al-Senussi*. That is especially so given that, as the Pre-Trial Chamber itself has noted, there is a lack of counsel in the case, serious security-related difficulties, a lack of a witness protection programme, difficulties in controlling penal facilities and other factors. We look forward to detailed clarification of future appeals rulings in those cases.

As it is clear from both the recent and previous reports of the Prosecutor, the Registry's work is focused exclusively on the former supporters of Muammar Al-Qadhafi. In terms of the actions of insurgents during the conflict, the report again contains standard formulas and expressions of general concern. There is no mention of concrete steps to be taken regarding the continuing practices of torture and harsh treatment in the detention centres.

With respect to civilian victims of NATO bombings that exceeded the parameters of permissible action under resolution 1973 (2011) and its objectives, the Prosecutor of the ICC has in effect withdrawn herself from that investigation. We believe that approach is not equitable and hold out the hope that it will be corrected.

To achieve the objectives of establishing the truth, combating lawlessness and achieving the national reconciliation of any country, there is always an overriding need for impartial and equal attention to be paid to all sides of a conflict; without which it is unlikely that international criminal justice will find itself in demand by Governments.

Mrs. Kazragienė (Lithuania): Let me begin by thanking Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing and for introducing the seventh report to the Security Council.

Lithuania welcomes the efforts undertaken by the Government of Libya in establishing the rule of law and bolstering an effective system of justice throughout the country. Some progress has been made, yet Libya continues to face complex and serious political, security and legal challenges. Despite some positive developments, the system of criminal justice is not yet fully functional and the security sector requires major reform.

We believe that the International Criminal Court is an important and necessary partner of the Libyan authorities in restoring the rule of law and ensuring accountability for the serious crimes committed in Libya. Since the adoption of resolution 1970 (2011), the Libyan Government has continued to demonstrate its determination to cooperate with the Court. However, with regard to the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*, we would like to stress that admissibility is a judicial issue under the exclusive purview of the Chambers of the Court. While both admissibility decisions remain under appeal, we would like to remind Libya, as the Prosecutor has states in her report, that Libya has an obligation to surrender Saif Al-Islam Al-Qadhafi to the Court. The obligation to surrender to the Court the persons against whom arrest warrants have been issued must be respected.

At the same time, we welcome the cooperation between the Libyan authorities and the Office of the Prosecutor in implementing last year's memorandum of understanding on burde -sharing in further investigations and prosecutions of persons allegedly responsible for war crimes and crimes against humanity in Libya since 15 February 2011.

We note the information provided by the Prosecutor concerning the ongoing investigations by her Office of the allegations of crimes committed by some pro-Al-Qadhafi officials who currently might be outside of Libya. We join the Prosecutor in encouraging the Libyan Government to provide all the necessary

support to the staff of the Court so they can conduct investigations promptly and in an unimpeded manner.

Moreover, we believe that the situation of conflict-related detainees remains a major concern that needs an urgent solution. We take note of the fact that, despite some progress made, the deadline set by the Libyan law on transitional justice for completing the screening of detainees has expired and, in conjunction with security issues and capacity constrains, 7,000 people have not yet been transferred to the State authority. Public prosecution can hardly cope with the problem. Such a lack of effective accountability creates an environment conducive to torture or other ill treatment, including the deaths of individuals in custody. Therefore, we would like to stress the importance of the proper implementation of the law on transitional justice as a basis for the reconciliation process.

Let me conclude by underlining our support for, and commitment to the Court and the Office of the Prosecutor. We hope that they will successfully continue their thorough investigation of the situation in Libya.

Ms. Lucas (Luxembourg) (*spoke in French*): I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for introducing her seventh report under resolution 1970 (2011). Luxembourg fully supports the objectives that the Prosecutor has presented. I reiterate to her our full support.

After 40 years of dictatorship, building a democratic nation in Libya will be a lengthy process. The Libyan authorities have reiterated their commitment to continuing to democratize the country. We welcome the progress made during the transition. We also remain aware of the enormous challenges that persist, in particular in terms of security.

Ultimately, it is the Libyan authorities who will have to ensure respect for the rule of law in their country. We call on the authorities to redouble their efforts to create a stable security environment that guarantees freedom, justice and respect for individual rights. For its part, the international community must continue to help Libya in this crucial phase of transition.

We congratulate the Libyan Government on the constructive engagement that it has maintained with the ICC. Despite its difficulties, Libya has asked to try Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi itself. It is to the Libyan authorities' credit that they want to shoulder their responsibilities. They complied with the Rome Statute procedures when they raised objections to admissibility before the Court. However, a trial before Libyan courts must not obstruct the proceedings of the Court. We have no doubt that Libya, in accordance with resolution 1970 (2011), will respect the final decision of the ICC in the case of *Saif Al-Islam Al-Qadhafi*. Meanwhile, Libya's compliance with its international obligations requires it to deliver the accused to the Court.

Six months ago, we welcomed the memorandum of understanding signed between the Libyan authorities and the Office of the Prosecutor of the ICC to promote cooperation and burden-sharing in terms of investigations and prosecutions. Today, we commend the first contacts that took place between the Office and the Prosecutor General of Libya on how to implement the memorandum of understanding. Ms. Bensouda has stated that she is continuing her investigation into the alleged crimes committed in Libya by Colonel Al-Qadhafi's relatives who may be outside Libya and may pose a threat to the new authorities. We fully support her in that task.

The Prosecutor's report notes progress on the subject of people detained as a result of the conflict. However, approximately 7,000 people are still being held by armed brigades without proper trial. Many of those prisoners have been subjected to torture and other ill treatment. We call on Libya to ensure that detainees are under the effective control of the State, in accordance with the recommendations of the United Nations Support Mission in Libya and the United Nations Office of the High Commissioner for Human Rights. We also urge Libya to ensure that those responsible for that ill treatment or other crimes, such as enforced disappearances, answer for their acts in accordance with the law criminalizing torture, enforced disappearances and discrimination that was adopted in April 2013.

More broadly, we encourage the Government of Libya to develop and implement a comprehensive strategy to put an end to crimes and impunity in Libya and that it accept help, when needed, from its main partners. The Court and the Council should be informed of progress in that area.

Finally, it is crucial that the Libyan Government conclude negotiations as soon as possible with the Court's Registry on the recognition of the privileges and immunities of the Court's personnel in Libya. Aside from the security challenges, in order for the

ICC investigations to be effective, the staff of the Court and the Office of the Prosecutor must be able to work without hindrance or restriction of any kind.

In referring the situation in Libya to the Prosecutor of the ICC, resolution 1970 (2011) demonstrated the ability of the Security Council to act in unison and quickly to fight against impunity. We must now ensure the process is carefully monitored. The support of the Council is vital for the Court, especially as the jurisdiction of the Court stems from a Council resolution. More generally, constant and active support by the Security Council to the ICC is required in order to encourage States to cooperate with the Court and to ensure that Court referrals achieve their goal, namely, delivering justice and maintaining international peace and security.

Mr. Gálvez (Chile) (*spoke in Spanish*): We appreciate the convening of this meeting and welcome the presence of the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda. We also welcome her introduction of her seventh report to the Council.

Chile recognizes the complex security situation in Libya and the need to continue the work in support of institutions that respect the rule of law and human rights while allowing Libya to comply with its obligation to cooperate with the Court and its Prosecutor, in accordance with the provisions of resolution 1970 (2011). We reiterate our country's support to the International Criminal Court and the work of its Prosecutor. Its establishment was a major step in the fight against impunity.

We underscore the work of the Council and its essential role in the case of Libya. The adoption of resolution 1970 (2011), under Chapter VII of the Charter of the United Nations, makes it possible for the jurisdiction of the International Criminal Court to extend to a State that is not party to the Rome Statute, in this case Libya, just as it binds all States Members of the Organization, whether party or not to the Statute. We acknowledge the cooperation of both categories of States with the International Criminal Court and Libya in that regard.

Furthermore, Chile stresses that the responsibility of the Council should not be understood as coming to an end simply with the referral of a situation to the Court. The Council should maintain the dialogue with the Court and the Prosecutor and respond to their requests. The Council's silence in response to such requests would imply a lack of responsibility. That is why Chile supports the establishment of an effective follow-up by the Council.

We welcome the signing late last year of the memorandum of understanding between the Office of the Prosecutor and the Libyan Government and the contacts made this year with the Prosecutor General of Libya in order to implement the memorandum. Coordinated work, in which the tasks of the investigation, legal processes and arrest procedures are shared, will make it possible to duly comply with resolution 1970 (2011) and to establish the basis for a national reconciliation process.

With regard to the detainees in the custody of armed brigades, we are concerned that the self-imposed deadline of 2 March, set by the Government of Libya to put an end to the situation, has not been met. The fact that there are approximately 7,000 detainees while the Libyan State is not in control of the situation, leaving them defenceless without charges brought against them, violates their most basic human rights. We therefore reiterate the appeal made in resolution 2144 (2014), which renews the mandate of the United Nations Support Mission in Libya, for all such individuals to be transferred to State custody.

Chile underscores the fact that last year Libya adopted legislation that provides for the prosecution of torture, ill treament and discrimination. However, we regret the fact that, according the report of the Prosecutor, to date there have been no reported prosecutions of the alleged perpetrators of the crimes of torture and abuse, including sexual and gender-based violence and deaths as a result of the torture that continues to occur in detention centres in that country. My country underscores the importance of the Libyan Government moving forward and sharing with the Council and the international community its national policy for responding to such crimes. That would allow us to reaffirm and recognize Libya's commitment to a modern justice system in accordance with international standards, while determining those areas or needs to which cooperation should be dedicated in order to reform the security sector in Libya.

We recognize the work of the Prosecutor of the International Criminal Court in investigating crimes committed since February 2011. We urge her to continue in that vein in order to ensure that perpetrators of crimes, regardless of their origin, including those

responsible for crimes committed against minorities, shall be brought to justice before the International Criminal Court or in Libyan courts, in accordance with the principle of complementarity established under the Rome Statute. As a result, we call on the Libyan authorities to comply with their obligation to transfer Saif Al-Islam Al-Qadhafi to the International Criminal Court without further delay. Similarly , in the case against Abdullah Al-Senussi, we appeal to the Libyan authorities to refrain from any action that could impede the Court from reconsidering the case if the inadmissibility appeal were to be overturned by the International Criminal Court when it decides.

I conclude by reiterating my country's support for and commitment to the work of the International Criminal Court and the Prosecutor.

Mr. Nduhungirehe (Rwanda): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing and for presenting the seventh report on the activities of her Office and on the implementation of resolution 1970 (2011) on Libya. We agree with her statement that accountability for the most serious crimes committed in Libya is not negotiable.

The precarious political and social context in which Libya was left following the revolution reminds us of all the difficulties that the Government still faces in rebuilding its institutions. Only recently, on 28 April, the Security Council, under the presidency of Nigeria, organized a debate on security sector reform (see S/PV. 7161), at which many of us emphasized the link between security sector reform and the rule of law and how security sector reform should be an integral part of any overall national strategy, which requires the concerted commitment of the national authorities, as well as the sustained engagement of international partners. That is an important element that should be emphasized as, with security in place, it is easy to sustain the progress gained in other sectors — in this case, the judicial sector. We therefore acknowledge the progress that Libya has made in rebuilding its judicial institutions and in establishing mechanisms to address the crimes against humanity committed during the revolution.

Libya continues to face serious challenges in the consolidation of its democratic system. The best way for the international community to assist Libya in overcoming such challenges is by strengthening the capacity of Libyan institutions. Both the judicial and security institutions need to be supported to enhance their capacity and effectiveness.

We therefore note Libya's commitment as a State party to the Rome Statute to fulfilling its international obligations by cooperating with the Court. We regret the fact that the continued deterioration of the security situation in Libya was an impediment to the ICC's investigation of crimes committed during the armed conflict. At the same time, we believe that the complementarity clause is of paramount importance in the sense that the international community should rather develop the capacity of Libya's security and judicial institutions, which can better address such cases. The agreement on the memorandum of understanding on burden-sharing, signed at the end of last year between the Office of the Prosecutor and the Libyan Government, could serve as a good base.

The fact that Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi have appeared before Libyan courts to face the charges brought against them indicates that Libya remains able and willing to uphold its duty in line with the complementarity clause of the Rome Statute. It is important that the Government of Libya continue to do its part in ensuring that all perpetrators of crimes committed during the armed conflict be brought to justice. That involves ensuring that investigations into the alleged crimes by all parties to the conflict, including torture and illegal detention facilities, and the alleged crimes in Tawergha are conducted. We encourage the international community and the Government of Libya to work together in ensuring that justice is rendered. In that regard, we welcome the collaboration of the Niger in extraditing to Libya Saif Al-Qadhafi, who faces charges of crimes against humanity.

Lastly, while we recognize the important contribution of international justice mechanisms to fighting impunity for the most serious crimes, we note from our own experience that national judicial institutions have proved to be effective in reconciling people and in addressing crimes against humanity and mass atrocities. Fundamentally, we all stand ready to accompany Libya as it strives, on the basis of international standards, to rebuild its institutions, which should ultimately be accountable to the Libyans themselves.

The international community should therefore extend its support in strengthening the Libyan judicial system by providing technical capacity, which will ultimately be essential to address the crimes committed in Libya and for the reconciliation process. We stress that accountability is a necessary foundation for

a unified and reconciled society committed to the development of all its citizens and shall therefore not be negotiable.

Mr. McKell (United Kingdom): I too thank the Prosecutor for her report and briefing on the situation in Libya.

The United Kingdom is concerned about the continued deterioration in security and political stability, which continues to hamper overall progress towards a secure, stable and prosperous Libya. Libya is now at a critical stage in its transition. It is essential that Libyans work towards agreement on a single and inclusive national dialogue process and refrain from destabilizing action that would further set back the political transition.

While the substance of any settlement must be worked out by the Libyans themselves, the United Kingdom is committed to working with Libya and its international partners to encourage and support a stable political agreement which can deliver the transition to a more permanent democratic State. Helping the Libyan Government to address its security challenges remains our immediate priority, but supporting progress towards a stable political settlement in Libya will require broad and sustained engagement beyond security, including in the areas of justice and the rule of law.

The United Kingdom welcomes the continuing efforts to ensure that all those who have committed war crimes and crimes against humanity since 15 February 2011 are held to account for their actions. There must be no impunity for the perpetrators of those atrocities. We welcome the ongoing dialogue between Libya and the International Criminal Court (ICC), and in particular the agreement by Libya to support the Prosecutor's continuing investigations. We encourage the Government of Libya to conclude its negotiations with the Registry on recognizing the privileges and immunities of Court staff.

The United Kingdom is grateful for the update from the Prosecutor on the cases of *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. We continue to support the right of Libya to hold national trials for crimes committed within its jurisdiction. It is important that any action taken be in line with the decisions of the International Criminal Court. It is imperative that all detainees be held in accordance with Libyan and international law, by a legitimate authority and that they have access to legal representation and medical care. The treatment and management of high profile detainees from the Al-Qadhafi regime provides Libya with an important opportunity to demonstrate to the international community that it is committed to ensuring fair trials, to meeting international standards and the protection of human rights, and to cooperating fully with the International Criminal Court.

The United Kingdom continues to urge Libya's full cooperation with the International Criminal Court. We recall Libya's obligation to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to resolution 1970 (2011). The United Kingdom notes that in July 2013 the ICC Appeals Chamber rejected Libya's request to suspend the surrender of Saif Al-Islam Al-Qadhafi while its appeal was pending. Libya is under an obligation to surrender him to the Court.

The United Kingdom stands with Libya as it works to return to and strengthen the rule of law throughout the country. We look forward to future cooperation between Libya and the International Criminal Court. The United Kingdom remains ready and willing to assist the Court with its investigations as it plays its part in ensuring that individual perpetrators of atrocities are held to account for the crimes they have committed.

The President: I shall now make a statement in my capacity as the representative of the Republic of Korea.

My delegation thanks Ms. Bensouda for her briefing. As always, her and her staff's valuable work has become an indispensable part of the efforts to put an end to impunity for those who committed heinous crimes against humanity. In dealing with the Libyan situation, the International Criminal Court (ICC) has made meaningful achievements. In the process the Libyan Government has been cooperative with the ICC, although the situation on the ground has not always been ideal for such cooperation. We appreciate that cooperation on the part of the Libyan Government and commend the follow-up consultation between the ICC and the Libyan Government on the burden-sharing memorandum of understanding. Such efforts should continue.

Processing the remaining detainees as swiftly as possible will be another step in the right direction. Addressing the issue of the internally displaced persons will also contribute to the progress of the national reconciliation and the transition process.

With regard to the case against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, we hope that a workable solution that meets Libya's international obligations and its domestic expectations can be found through continued interactions between the Prosecutor and the Libyan Government.

Today's briefing makes it clear once again that cooperation between the Libyan Government and the ICC is what separates the Libyan situation from the other cases referred by the Council. We hope that this cooperation will continue until the situation is addressed to the satisfaction of the Libyan people and the international community.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): Allow me at the outset to congratulate your delegation, Mr. President, on assuming the presidency of the Council for this month, and to wish you and your delegation every success. I also wish to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her comprehensive briefing.

Following the fall of the dictatorship in Libya on 20 October 2011, successive Libyan Governments have declared their commitment to establishing justice and fighting impunity and their determination to work to ensure respect for human rights and fundamental freedoms. Although Libya is not a party to the Rome Statute, it has voluntarily chosen to work with the ICC. It has requested assistance from the United Nations in the field of capacity-building, security sector reform and reform of the judiciary in order to implement the stated policies and to fully break with the practices of the previous regime.

Libya has established genuine partnerships with the International Criminal Court and the Human Rights Council. Those partnerships are best illustrated by the memorandum of understanding that was signed in 2013 by the Libyan Prosecutor General and the Prosecutor of the International Criminal Court, and by Human Rights Council resolution 25/37, of 28 March 2014, concerning the provision of technical assistance for Libya. The memorandum of understanding signed with the ICC is based on the realization of positive complementarity between the Libyan judiciary and the ICC through burden-sharing in regard to further investigations and prosecutions of the perpetrators of serious crimes to bring them before the courts of justice. It is expected that both parties will agree on the political measures to implement the memorandum of understanding during the expected visit of the Prosecutor General to Libya. It is worth noting that the Registrar of the Court and Libyan representatives are now communicating on drawing up a final agreement on the privileges and immunities of ICC personnel in Libya.

Within the context of efforts to improve the situation of detainees, the Minister of Justice has conducted a census of all those detainees in rehabilitative institutions, who number 6,186, including 646 who have been tried and are currently serving their sentences. Libya's judicial authorities are doing their best to expedite the trials of the remaining detainees, but they are meeting with serious challenges in getting this done at a rate they would like. In order to deal with some of those challenges, on 26 March our National Congress enacted a law amending the criminal procedural code so as to enable courts, in cases where there may be fear for the safety of the accused or that the accused may escape, to use modern communications technology to connect the accused to the courtroom by video link. These procedures can also be applied with respect to witnesses, experts, prosecutors and those responsible for civil rights if the conditions are suitable to the court.

This amendment to criminal procedure has enabled the Tripoli Court of Appeals to use a video link to conduct open trials of 31 officials from the former regime, including Saif Al-Islam Al-Qadhafi, Abdullah Al-Senussi and Al-Baghdadi Al-Mahmoudi. The trials were broadcast on several TV channels from the chambers of the courts of appeals in three cities, Tripoli, Misrata and Zintan, since 22 of the accused were in Tripoli, eight in Misrata and one — Saif Al-Islam Al-Qadhafi — in Zintan. In commitment to the principle of transparency, the proceedings were attended by representatives of the United Nations Support Mission in Libya, representatives from human rights and civil society organizations, and mass media correspondents. In an effort to provide all those on trial with due process and the right to a defence, the lawyers' association recruited the lawyer Samiha Al-Kasseh to defend Mr. Al-Qadhafi, and she has begun her defence before the Court. The Court allowed Al-Senussi to hire his own private counsel to defend him after his previous lawyer declined to continue. Libya's judicial authorities hope that the ICC will recognize their

jurisdiction in the case and their right to try Mr. Saif Al-Islam Al-Qadhafi, and that it will affirm their right to try Mr. Al-Senussi as well.

The Security Council is no doubt aware of the complicated internal situation in Libya and of the difficulties and challenges the Libyan authorities are facing during this transitional period. Nonetheless, the process of transition to democracy is making progress, albeit slowly. But Libya is determined to succeed, and indeed it has no option but to succeed, even if that takes some time, particularly since all the conditions for eventual success are there. The international community should not doubt the Libyan people's ability to get through this critical stage successfully, and it should not hesitate to provide assistance whenever the Libyan authorities need it.

I am very happy that today all the members of the Council have reaffirmed the importance of ensuring that the international community continues to assist Libya. I would like to assure the Council that the Libyan authorities are committed to pursuing accountability for every crime, to fighting impunity, to achieving justice for the victims, and to protecting their citizens and all who live in our country. They are working to develop a comprehensive, integrated strategy for bringing to trial every perpetrator of a crime and all those who have violated human rights in Libya since 15 February 2011, regardless of the identities of the perpetrators or the victims. The transitional justice mechanisms stipulated in the transitional justice law will constitute a principal component of that strategy, which, in the final analysis, seeks not only to see justice done but also to achieve national reconciliation, as well as to end disputes and to return the half-million or so refugees and displaced persons to their homes. The situation of the inhabitants of the Tawergha region is certainly one of the priorities of those efforts.

The Government of Libya is working to establish a balance between achieving justice and maintaining a secure political process. It seeks to prevent disagreements in political situations between the authorities and other political actors that could affect judicial proceedings, destabilize security and put more obstacles in the way of the democratic transition.

In conclusion, I would like to commend the cooperation between the Office of the Prosecutor of the ICC, under the leadership of Ms. Fatou Bensouda, and the Office of Libya's Prosecutor-General. I am confident that justice and our international obligations will never be abandoned, given the cooperation that exists between them both.

I also wish to take this opportunity to reiterate our deep gratitude to the members of the Security Council for their support to the Lybian authorities at this critical juncture in my country's history. The Libyan people hope to receive more support and urge all Member States to respect the Security Council's resolutions on Libya, assist the Libyan authorities to prosecute all those responsible for committing crimes in Libya, and transfer the perpetrators to the Libyan judicial authorities. They should also investigate the finances of all persons whose funds or assets have been frozen, pursuant to the resolution 1970 (2011), and to report their findings to the Council so that the necessary measures can be taken to repatriate those assets to the Libyan people.

I wish to thank the Republic of the Niger for extraditing Mr. Saadi Al-Qadhafi and Mr. Abdullah Mansour to the Libyan authorities. We hope that all countries will pursue steps similar to those taken by the Niger to extradite all those sought by the justice system in Libya.

The President: There are no more names inscribed on the list of speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.